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FEB 21 2012

U. S. DISTRICT COURT
EASTERN DISTRICT OF MO
ST. LOUIS

United States District Court
for the
Eastern District of Missouri

Rick Favaloro, J.D., Plaintiff

v.

Webster Groves / Shrewsbury Area
Chamber of Commerce, Defendant

Civil Action No. 4:11-cv-02068-CEJ

PLAINTIFF'S RESPONSE TO
DEFENDANTS' MOTION TO DISMISS¹

1. Defendant's Motion is untimely because it is premature and not ripe in that: (a) Defendant has not been served with the Complaint; and (b) Defendant has not been served with a request to waive service of the Complaint. Instead, since this suit's filing November 29, 2011, Plaintiff, to settle this matter out of court, has initiated or responded to communications to settle this dispute: (a) in 2011: December 4, December 5, December 8, and December 23; and (b) in 2012: January 27 and February 13. If settlement fails, then Plaintiff would proceed under F.R.C.P. 15 and serve the non-settling parties.

2. Defendant's attorneys are disqualified from representing Defendant because, among other reasons, Defendant's attorney, James D. Bass: (a) is disqualified by conflict of interest in

¹ Defendants Webster Groves / Shrewsbury Area Chamber Of Commerce's Motion To Dismiss For Failure To State A Claim, Lack Of Subject Matter Jurisdiction And Memorandum In Support

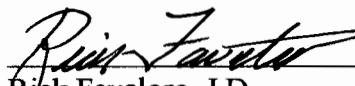
this matter; and (b) will be a hostile material witness for Plaintiff, and, if settlement fails, will be a non-settling party.

3. Defendant's Motion is without merit because Plaintiff has followed the Federal Rules of Civil Procedure, including the applicable general and local forms, all of which, instead of requiring detail in fact pleading, invite brevity in notice pleading.

4. **Relief.** Plaintiff requests that the court: (a) deny Defendant's Motion; or (b) grant Plaintiff leave to file a Plaintiff's Supplemental Response to Defendant's Motion To Dismiss, one business day from today, and upon that Supplemental Response, deny Defendant's Motion.

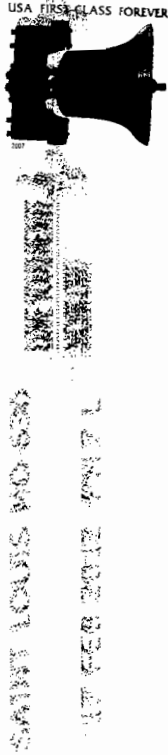
5. **Service.** On February 17, 2012, a copy of this document was served, by regular mail, on: (a) Defendant's attorney, James D. Bass, Stinson Morrison Hecker, LLP, 7700 Forsyth Boulevard, Suite 1100, Clayton MO 63105; and (b) United States District Court for the Eastern District of Missouri, 111 South Street, St, Louis, MO 63102.

Date: February 17, 2012


Rick Favaloro, J.D.

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